

**Harpswell Planning Board Meeting
Minutes of April 14, 2003**

**APPROVED 5-21-03
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Attendance: James Henderson-Chairman, John Papacosma-Vice-Chairman, Don Rogers, Dorothy D. Carrier, Howard Nannen, Sam Alexander-Associate, Noel Musson-Planner, and Karen O'Connell-Recording Secretary.

The meeting had been advertised in the Times Record, videotaped, broadcast live on Harpswell TV, and recorded. Chairman Henderson called the meeting to order at 6:30 P.M., introduced above members and staff and led the pledge of allegiance. Henderson then reviewed general Board procedures and the agenda for the evening. Henderson explained the importance of conduct during the meeting for participants to show respect for peoples opinions when different positions are presented.

Approval of Minutes - Motion - The minutes of March 19 were approved as printed (Motion by Carrier and seconded by Nannen - Carried 5-0).

Site Visit - Chairman Henderson reported that most members of the regular Board attended a site visit at the site of the first three agenda items and observations will be discussed as these items are taken up.

03-04-01 - Walter S. Moody, Site Plan Review - Wharf Approval, Commercial Fisheries I, Tax Map 53-63, Wallace Shore Road, Cundy's Harbor, Harpswell.

Presentation by Applicant -

Walter Moody described his plan to extend his wharf 100 feet out to the low water mark. He explained there was a lot of ledge in the area near the dock which left him with a narrow slot to access his dock and thus not much time to use his dock due to tides. He indicated he would like to add a fish house to his dock to be able to store bait and to reconfigure his shop on the land, narrowing it and making it longer, but no more non-conforming than it is. He also requested to put in some three inch stone for his drive area as it is a soft, damp, low spot.

Henderson explained that the Board procedure is that the planning Board deals with what is on the land and the Selectmen will deal with the portions over the water.

Public Comment -

Betsy Alden, an abutting neighbor, apologized for missing the site visit explaining she had been informed it would be at 1:00 P.M. She indicated she wanted to be a good neighbor, but was terribly concerned about the bait shack would be on the land side of the ledge and she would end up with an odor at low tide. Her other concern was the neatness and upkeep of the property and she stated she did not want to look at a cluttered area. Henderson indicated that he heard the trap shop on the land could be moved back and that this might improve the plan. The Board discussed that the bait was currently stored on a float off shore and Ms. Alden indicated she felt this has been gracious of Mr. Moody and the location of the bait shack was her biggest concern. Henderson indicated this spot of land is a Commercial Fisheries zone

Gregory Welch read from a statement and indicated he owns properties # 49, 62, and 64 and that this is his beloved family land that is at a right angle view to the applicant. He expressed concerns about the impact of a planned wharf that will extend 180 feet from the shore and about the 21 by 22 foot building to be built on the extended dock stating this building will tower 37 feet above the flats and is of such a large scale to radically change and destroy the character and natural beauty of this older shoreline settlement. Welch indicated that he is not sure why this one lot was zoned Commercial Fishing. He indicated his belief the applicant has water around his wharf a good portion of each day and is only losing 4 hours of access in a 24 hour period and would only gain a few hours with this plan. He commented, he respects Mr. Moody's occupation, but believes the proposal's purpose is to gain more ground surface than water access. He is concerned about the notice to the abutters and because there was not much information in the notice, many persons may have not been aware of the scale and impact of the proposal. Henderson asked to clarify if Mr. Welch's general issue was esthetic and Mr. Welch indicated it was more the scale of the project and its necessity.

Robin Welch indicated she believes neighbors have not had enough notice of the impact because the letter was so vague. She indicated she wanted to be considerate of a fisherman and was respectful of fisherman but was very concerned about the impact on the area. Ms. Welch asked if there could be a postponement so that there would be more time to understand the proposal and for neighbors who could not be present to respond. She believes the neighborhood was not prepared for the impact of such a long wharf and high building. She wondered if the lobster tank would mean there was more boat traffic in the area and Henderson indicated he would be asking Mr. Moody these questions. She wondered if the fish house could be placed so it would not impact so many people.

Mr. Henderson indicated the Board must apply the ordinance to the proposal and does not believe the Board can deal with the esthetics of an issue. Henderson indicated that in some ways fishermen are losing access and it is a

concern how varying community needs can be resolved. Nannen asked how it was possible to balance the needs of residents and fishermen.

Ms. Welch indicated she would like to know more about how the fish house would look and she was surprised about the length and height of the proposal and this was hard for her to say because she does have respect for fishermen. She also noted the hopes that there would be land upkeep, control of noise level and radios playing at 5:00 A.M.

Rogers indicated the mean high watermark in the area would be approximately 9 feet and the area to be built has to be above this.

Mr. Welch asked how a person is able to essentially take over the ledge that sits off the shore. Moody explained that he did not extend his plan over mean low tide mark. Henderson explained that the Selectmen will deal with the portion of the proposal over the water but explained that many wharfs do extend out over ledges and that this is a legal proposal. Mr. Welch indicated it would be helpful if the fish house was not a two story building and the project as lean as possible.

Glen Barrett noted he lives south of the Welch's and agrees with other comments about impact on the area and stated his belief that the project is oversized and it is difficult to believe 100 more feet of wharf is needed to gain an hour or two more access.

Betsy Alden indicated she was not aware the bait shack would be two stories high.

Al Sargent of M&A Realty explained he purchased land on the adjoining South lot to provide access to Sheep's Island and he is concerned this extended wharf could preclude them from building a modest dock. He explained they do not need deep water at every moment and are currently using a neighbors landing but he needed to know if the proposal would allow them to have access to the water. He noted that a 100 foot extension is a pretty significant artifact. He explained he had spent a significant amount of money in 1972 to potentially end up not having access to the Island. Mr. Sargent indicated he believes there are issues of setbacks from property lines and encroachment on his riparian rights and he realizes it is a challenge to accommodate multiple needs in this tight area. Mr. Sargent also raised the issue of a private road into the area explaining it would not be a road suitable for trucks to pick up seafood. He indicated this would cause problems for people living on the private road. He was concerned about a potential wholesale seafood business and its impact on the private road. He noted he is not opposed to Mr. Moody's business but does have his concerns.

Sam Alexander noted that the building on the wharf is the domain of the Planning Board and not the Selectmen and he sees the planned height, as approximately 42 foot high, and agrees with the Welch's comments that this is a major article on the landscape.

Robin Welch indicated that there is also much concern from others in the area about the impact of traffic on the bridge.

Letter from Blanchetts - Mr. Henderson read portions of a letter from the Blanchetts who stated they owned most the property on which the private road is located and there is a road association formed by residents and that Mr. Moody had not contributed to the Association. The letter raised a question as to how this one lot was classified Commercial Fishing and indicated a building may have been moved, and concerns about noise and odor of a large operation among other issues.

Board Questions and Discussion -

Papacosma asked to clarify that it was an area zoned for Commercial Fishing , not just the lot, and Musson confirmed that just this lot was zoned Commercial.

Henderson asked Mr. Moody if he implemented this proposal, would there be more traffic and Mr. Moody indicated it would be just him and his son. He indicated he was trying to improve the situation. Moody indicated that there had been times in the past when bait had been stored on the land and he wanted to move the bait out. Moody indicated his family had owned the property for about 80 years and he has fought to keep access there. He indicated he and his family have always operated his Commercial Fishing there and Moody indicated the private Road Association stops at the bridge and he maintains beyond the bridge.

Henderson asked how often Moody used the road and if that would be increased. Moody indicated he uses the road two or three times a day. Henderson asked if he would be using bigger trucks and he indicated no, it would just be pick up sized trucks.

Henderson asked why Moody needed the longer length wharf and Moody responded that because of the ledge near his pier, he needs just about full high tide to be able to get to his pier. Moody indicated he may gain five or six hours of time on each tide with the extension. He responded to questions stating that the new wharf would be the same height as his current wharf. Henderson clarified that the shed on the land would be only a single story high and remains the same distance from the property line. Henderson confirmed with Moody there would be no larger trucks traveling over the bridge.

Nannen asked about the best location of the bait shed on the wharf and Moody indicated he could be flexible.

Board Review of Applicable Ordinances

Henderson indicated the Board would proceed with review of the applicable ordinance criteria

Reconstruction of a Non Conforming Structure

10.3.2. Relocation and 10.3.2.2 Reconstruction or Replacement - Henderson discussed the shed on the land to be reconstructed as 8 by 20 feet and 12 foot high and moved back from the water closer to the willow tree. He noted this plan was not moving the building further from the sideline setback as it allowed for the practicality of access. Henderson also noted ordinarily there would be a 75 foot setback from water but that is not required in this Commercial Fisheries Zone. Henderson noted the location was not specified in the drawing and that could be a condition.

Shoreland Zoning Ordinance

15.3.1. Henderson clarified with Moody that there would be no change to the land in attaching/extending the wharf.

15.3.2 Henderson confirmed with other Board members that there were no natural beach areas seen at the site.

15.3.3 Henderson indicated the Board was aware of no adverse affect at the land connection point.

15.3.4 Henderson indicated the Board needed to decide on the size of the proposal and impact on character of the area. Nannen asked about the Board's authority to comment on the wharf itself. Musson indicated the Board was responsible for the land use portions but there was some flexibility with this criterion. Papacosma indicated he believed that the extent of the wharf was in the hands of the Selectmen but the Board may need to pass judgment on a structure to be placed on the wharf in terms of height. Henderson indicated the Planning Board should take into account the character of the area. Papacosma indicated the small lot was spot zoned Commercial Fishing making it difficult. Alexander stated the Board may want to consider that this proposal as conforming for its own lot but non-conforming relative to the neighborhood. Papacosma also indicated the Board has not dealt with views in the past but the argument could be made about a structure this size does have some degree of impact on character of the area but it is a very subjective area.

Papacosma clarified that Moody had agreed he could be flexible on the bait house. Mr. Moody indicated he needed some storage area but could do with a 14 foot high shed. Nannen suggested it also might be better if the bait shed was not out at the end of the wharf.

Ms Alden indicated that there would be some seepage from the bait and at low tide there would be an odor problem.

Mr. Welch spoke to say everyone would see the bait shed differently and might have a different preference for its location and they personally might want it closer to shore. Nannen talked about a scale drawing shows just a half inch extension into the water and Carrier indicated the decreased height would alter or reduce the impact of the shed.

Henderson indicated a **condition of approval would be the height of bait shed would be no greater than 14 feet on the wharf.**

Motion - This application, with the above noted condition, meets the requirements of Section 15.3.4 of the Shoreland Ordinance (Motion by Henderson and seconded by Papacosma- carried 5 -0)

Henderson continued review of the remaining sections 15.3.5 through 15.3.7 and referenced explanations in Musson's memo.

Motion - This proposal meets requirements of Section 15.3 of the Shoreland Ordinance (Motion by Carrier and seconded by Nannen - carried 5-0)

In discussing the shed to be rebuilt on the land, Board members discussed that the shed was to be setback to the greatest practical extent. The Board clarified the distance of the building from the road with Mr. Moody stating it was about 110 feet in from the road.

Motion - The Board finds the application meets the requirements of Section 10.3.2 of the Shoreland Zoning Ordinance for relocation, reconstruction or replacement.

Section 15 - Site Plan Review Approval Standards and Criteria

15.1 Dimensional Requirements - **Motion - The Board finds the application meets the requirements of 15.1 based on the Boards' review of section 10.3.2 of the Shoreland Zoning Ordinance (Motion by Henderson and seconded by Carrier- carried 5-0)**

15.2 Utilization of the Site - **Motion - The Board finds the application meets the requirements of Section 15.2 based on the location of the shed and removal of the shed from the waterline and intention to place rock on the site to provide better access to the wharf (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.3 Adequacy of the Road System - **Motion - There had been testimony and the Board could reasonably make it a condition that there will be no larger vehicles and no significant increase in traffic and since the site is adequate now, on that basis the Board finds the proposal meets the requirements of section 15.3 (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.4 Access into the Site - **Motion - On the basis of the reconstruction of the driveway, the proposal meets the requirements of section 15.4 (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.5 Access/Egress Way Location and Spacing - **Motion - As the existing access and egress are not altered, therefore the proposal meets the requirements of Section 15.5 (Motion by Henderson and seconded by**

Carrier - carried 5-0)

15.6 Internal Vehicular Circulation - Henderson discussed that other than the driveway this is not applicable as there are no internal driveways and parking lots and the reconstruction of the gravel driveway will take place and therefore it meets the requirements. **Motion - the proposal meets the requirements of Section 15.6 (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.7 Parking - **Motion - Since there is no increase in parking proposed and the site is only used by two people, the Board finds that Section 15.7 is met by this proposal (Motion by Henderson and seconded by Nannen - carried 5-0)**

15.8 Pedestrian Circulation - Henderson noted that pedestrian circulation is not applicable as this is a wharf for two people and no plan is needed. **Motion - The proposal meets the requirements of Section 15.8 (Motion by Henderson and seconded by Papacosma - carried 5-0)**

15.9 Storm water Management The Board discussed with Moody a proposal to pitch the roof of the building on the property line toward his own property and then discussed another option of installing gutters to divert the water away. The Board discussed a variety of methods such as crushed rock and concluded gutters are the most practical option. **Motion - The application meets the requirements of Section 15.9 provided the applicant installs gutters on the roof of the shed and directs the flow of water to the water side of the structure (Motion by Henderson and seconded by Nannen- carried 5-0)**

15.10 Erosion Control - Henderson discussed control of erosion at the site of the old shed being removed and Moody stated he would place crushed stone there. **Motion - The Board finds the application meets the requirements of Section 15.10 on the condition that the applicant places crushed stone in the area where the existing shed has been demolished and is not covered by new shed (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.11 Water Supply and Groundwater Protection - (see below)

15.12 Subsurface Waste Disposal - Henderson discussed that both of these items were not applicable as there is neither on the site. **Motion the Board finds that section 15.11 and 15.12 are not applicable to this application (Motion by Henderson and seconded by Nannen - carried 5-0)**

15.13 Utilities and Essential Services - The Board discussed that utilities were supplied via an existing line so there would be no change. **Motion - The existing electricity is adequate for the proposed use and the applicant meets requirements of section 15.13 (Motion by Henderson and seconded by Carrier - carried 5-0)** Papacosma clarified with Moody that he would have a flood light on the water side of the bait shed which would only be on when he was using the site.

15.14 Natural Features and Buffering - Henderson and the Board discussed the crushed rock and that little else was changing. **Motion - the application meets requirements of section 15.14 in consideration of efforts to reduce erosion. (Motion by Henderson and seconded by Nannen - carried 5-0)**

15.15 Lighting - Nannen discussed a **condition** that the lighting to the bait house should be of a type that directs the lighting to a specific area and not be an area wide flood light and Moody agreed. **Motion - The Board finds, with the above condition, that the application meets the requirements of section 15.15 (Motion by Nannen and seconded by Henderson - carried 5-0)**

15.16 Water Quality Protection - Musson read the applicable criteria of the section and Henderson indicated the usual bait and gear of the fishing industry were not the materials being discussed in section 15.16. **Motion - The application meets the requirements of Section 15.16 (Motion by Henderson and seconded by Papacosma - carried 5-0)**

15.17 Hazardous, Special and Radioactive Materials - **Motion - Section 15.17 is not applicable to this application. (Motion by Henderson and seconded by Nannen -carried 5-0)**

15.18 Solid, Special and Hazardous Waste Disposal - **Motion - On the condition that the solid waste is disposed of in a covered dumpster, the application meets the requirements of Section 15.18 (Motion by Henderson and seconded by Nannen - carried 5-0)**

15.19 Historic and Archaeological Resources -Henderson noted that the applicant is not disturbing any sites known to the Board. **Motion - The application meets the requirements of Section 15.19 (Motion by Henderson and seconded by Carrier -carried 5-0)**

15.20 Flood Plain Management - Henderson indicated the Board did not vote on this item as it is not part of its responsibility area and would be handled by Codes.

15.21 Technical and Financial Capacity - Henderson reviewed rationale regarding the experience of the wharf builder and a letter from Gardner Savings Bank. **Motion - The application meets the requirements of Section 15.21 (Motion by Henderson and seconded by Carrier -carried 5-0)**

Motion - the application for site plan approval by Mr. Moody meets the requirements of the ordinances under the jurisdiction of the Planning Board subject to conditions mentioned in previous motions including specifically that the height of a fish house on the wharf be no greater than 14 feet. (Motion by Henderson and seconded by Nannen)

Nannen raised the issue of the 25 foot setback and whether that would foreclose the abutters' ability to access the water. Henderson discussed the building setback and Nannen indicated he was referencing the wharf and now recalls that the 25 foot setback applies to new wharfs.

Alexander indicated there was an issue with 30% expansion which Musson indicated would be addressed by the Selectmen.

Musson noted the Codes Office does act as a check, if there are Codes issues and any persons directly affected by this do have a right to appeal and would get a notification.

Vote - The Board voted 5-0 in favor of the above motion.

03-04-02 Dolphin Marina (Bill and Mimi Saxton) Site Plan Review, Shoreland Business, Tax Map 17-34, Basin Point Road, Harpswell.

Applicant Presentation -

Bill Saxton of Basin Point Road explained his proposal to raise the roof of an existing 2 car garage, noting it is 17 feet in height now and he would like to raise it to 23 or 24 feet, while installing a small deck on the East side 24 by 8 feet and add a stairway on the West side (not shown on the plan). The stairs would require a small platform on the West side. This change in plan was sketched onto a copy at the meeting for the file.

Board Review of Ordinance Criteria

Section 15 - Site Plan Review Approval Standards and Criteria

15.1 Dimensional Requirements - Henderson reviewed a memo on file and letter from Codes determining this application was exempt as it was less than 30%. Henderson explained there are two businesses and only the Marina business is being expanded. **Motion - The Board finds, based on the report of the Codes Office and the observations of dimensions, the application meets the requirements of 15.1 of the Site Review standards (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.2 Utilization of the Site sees below

15.3 Adequacy of the Road System

15.4 Access into the Site

15.5 Access/egress Way Location and Spacing

15.6 Internal Vehicular Circulation

15.7 Parking

15.8 Pedestrian Circulation

Henderson reviewed the planner's memo on each of the above criteria noting them as not applicable as there would be no changes. **Motion - The Board finds that Sections 15.2 through 15.8 are not applicable to this proposal for the reasons stated in the planners notes (Musson's memo of April 8, 2003) (Motion by Henderson and seconded Papacosma - carried 5-0)**

15.9 Storm water Management - Henderson reviewed with Saxton that the pitch of the roof would not be as steep and the run off would not change. **Motion - The Board finds the proposal meets the requirements of Section 15.9 (Motion by Henderson and seconded by Nannen- carried 5-0)**

15.10 Erosion Control **Motion - The Board finds the application meets the requirements of Section 15.10 since the pitch of the roof is less than existing and there is no other change in the structure (Motion by Henderson and seconded by Nannen - carried 5-0).**

15.11 Water Supply and Groundwater Protection - see 15.13 below

15.12 Subsurface Waste Disposal - Musson indicated the Codes Officer had reviewed this application and had found no issues with the plan for a bath upstairs and they have a permit. **The Board finds the application meets the requirements of section 15.12, based on review by Codes Office of the impact of adding a bath to the structure (Motion by Henderson and seconded by Nannen -carried 5-0).**

15.13 Utilities and Essential Services Henderson reviewed the Planner's memo indicating no changes are taking place related to these two criteria. **Motion - The Board finds that Sections 15.11 and 15.13 are not applicable to this proposal (Motion by Henderson and seconded by Nannen - carried 5-0).**

15.14 Natural Features and Buffering - **Motion - Based on their being no changes on the ground, the Board finds that Section 15.14 is not applicable (Motion by Henderson and seconded by Carrier - carried 5-0).**

15.15 Lighting **The Board finds the application meets the requirements of section 15.15, since existing lighting will be used (Motion by Henderson and seconded by Nannen -carried 5-0).**

15.16 Water Quality Protection - **Motion - The Board finds the application meets the requirements of section 15.16, since this proposal will not increase the imperviousness of the site. (Motion by Henderson and seconded by Nannen -carried 5-0).**

15.17 Hazardous, Special and Radioactive Materials - see below

15.18 Solid, Special and Hazardous Waste Disposal - Henderson Motion - **The Board finds that sections 15.17 and 15.18, are not applicable to this application since there is no additional waste to be generated or radioactive or hazardous materials (Motion by Henderson and seconded by Nannen -carried 5-0).**

15.19 Historic and Archaeological Resources - Motion - **As there is no evidence they will be disturbing any archeological sites as they are working on the same space, the Board finds the application meets the requirements of section 15.19 (Motion by Henderson and seconded by Nannen -carried 5-0).**

15.20 Flood Plain Management - Motion - **The Board finds the application meets the requirements of section 15.20 based on the findings of the Harpswell Codes Enforcement Office and issuance of permits by the Codes Office (Motion by Henderson and seconded by Nannen - carried 5-0).**

15.21 Technical and Financial Capacity - Motion - **The Board finds the application meets the requirements of section 15.21 on the basis that the applicants are self financing the project and will be doing the work themselves (Motion by Henderson and seconded by Nannen - carried 5-0).**

Henderson asked if there were any public comments and there were none.

Motion - This application is approved as presented (Motion by Henderson and seconded by Rogers - carried 5-0).

03-04-03 Peter and Jeffrey Darling, Site Plan Amendment, Commercial Fishing I, Tax Map64-10, Oakhurst Island, Harpswell.

Applicant Presentation -

Mr. Darling explained his proposal is to put in two 500 gallon fuel tanks for Commercial Fishing use and noted he has a permit from the State Fire Marshall. Henderson asked what was required to satisfy the Fire Marshall and Darling stated all the required material was included in his packet.

Public Comment - Henderson checked with those present to see if there was any comment and there was none.

Board Questions and Discussion -

Henderson read a memo noting the tank was 30 feet from the property line and it was an accessory to Commercial Fishing and not considered bulk, however the tank must be adequately anchored. In response to a question from Henderson about anchoring, Darling explained that the skids on the tank would be fastened down with I bolts. He explained in a worse case scenario the soil under the pad would act to prevent run off of spilt fuel to the ocean.

Henderson proceeded with the site plan review

Section 15 - Site Plan Review Approval Standards and Criteria

15.1 Dimensional Requirements Henderson referenced Musson's memo of April 3, 2003 indicating reasons 15.1 was not applicable. **Motion - Based on Musson's notes and the Codes Office memo on file, the Board finds that section 15.1 is not applicable to this proposal (Motion by Henderson and seconded by Carrier - carried 5-0)**

15.2 Utilization of the Site Henderson asked Musson to read applicable ordinance which referred to clustering and environmental protections. Henderson noted the tanks were near a building and the pipes run under the building to the pumps **Motion - The Board finds that the proposal meets the requirements of section 15.2 because of the location of the tanks in relation to existing structures (Motion by Henderson and seconded by Carrier - carried 5 -0)**

15.3 Adequacy of the Road System see below

15.4 Access into the Site Henderson referenced Musson's memo with notes of explanation about these items not being applicable as there is no change or impact. **Motion - The Board finds that sections 15.3 and 15.4 are not applicable to this proposal (Motion by Henderson and seconded by Carrier - carried 5 -0)**

15.5 Access/Egress Way Location and Spacing **Motion - The Board finds that the proposal meets the requirements of section 15.5 because of the location of the tanks does not interfere with access or egress to the site (Motion by Henderson and seconded by Rogers - carried 5 -0)**

15.6 Internal Vehicular Circulation Henderson noted the tanks are placed off to the side. **Motion - The Board finds that the proposal meets the requirements of section 15.6 because of the location of the tanks does not interfere with internal circulation (Motion by Henderson and seconded by Carrier - carried 5 -0)**

15.7 Parking Henderson and the Board discussed a concern that the tanks are close to existing parking area and asked Darling about a barrier. Darling indicated he would place a series of lolly columns with a 6' by 6's along the columns. Henderson asked if the height of the columns could be high enough to stop a truck. Papacosma asked about Jersey Barriers. Mr. Darling agreed he could increase the height of the barrier and the Board suggested the edge of the

parking area could be protected with a bumper strip. Carrier noted the tank is double walled and should stand up well. **Motion - The Board finds that the application meets the requirements of section 15.7 in that the location of the tanks will not interfere with existing parking , should not increase the need for parking and the proposed barriers are adequate to protect tanks from vehicles with the condition that an additional six by six barrier will be placed between parking area and the fuel tanks and be anchored to the ground (Motion by Henderson and seconded by Nannen- carried 4-1 with Henderson voting negative as he felt protections might be greater).**

15.8 Pedestrian Circulation - Henderson referenced Musson's notes indicating the tanks do not interfere with pedestrian circulation. **Motion - The Board finds that section 15.8 is not applicable to this application (Motion by Henderson and seconded by Carrier - carried 5 -0)**

15.9 Storm water Management Henderson indicated the erosion control seemed to be adequate and Darling indicated he had improved the area to prevent runoff to the ocean. **Motion - The Board finds that the application meets the requirements of section 15.9 based on observations at the site visit and testimony that the water does not run over the area under normal conditions (Motion by Henderson and seconded by Carrier - carried 5 -0)**

15.10 Erosion Control Henderson asked Darling about placing a pad and prevention of erosion and Darling indicated he would add seeding around the pad and that he had added grass where there had been none before. **Motion - The Board finds that the application meets the requirements of section 15.10 with the condition that the soil surrounding the concrete pad under the tanks will be seeded to prevent erosion (Motion by Henderson and seconded by Carrier - carried 5 -0).**

15.11 Water Supply and Groundwater Protection - **Motion - The Board finds that the application meets the requirements of section 15.11 because the tanks have been designed to stop leaks by utilizing overflow valves, double hulls and other methods (Motion by Henderson and seconded by Carrier - carried 5 -0).** Darling indicated there were also anti- siphon valves and a special shut off valve on the tanks.

15.12 Subsurface Waste Disposal sees 15.15 below

15.13 Utilities and Essential Services - **Motion - The Board finds that the application meets the requirements of section 15.13 because it will not impact on any open space or scenic views and the pipes are planned to run from the tanks to the pump station (Motion by Henderson and seconded by Nannen - carried 5 -0).**

15.14 Natural Features and Buffering - **Motion - The Board finds that the application meets the requirements of section 15.14 on the basis the erosion control will be dealt with by seeding and no need for natural buffering (Motion by Henderson and seconded by Carrier - carried 5 -0).** Marge Greenhut a member of the public spoke to recommend seeding with plants native and natural to the location as these provide best erosion control and Henderson asked the applicant to consider this advise.

15.15 Lighting - **Motion - The Board finds that section 15.12 and 15.15 are not applicable to this proposal (Motion by Henderson and seconded by Papacosma - carried 5-0).**

15.16 Water Quality Protection -Henderson discussed that barriers and erosion control were protective factors. **Motion - On the basis of previous requirements, the Board finds that the application meets the requirements of section 15.16 (Motion by Henderson and seconded by Papacosma - carried 5 -0).**

15.17 Hazardous, Special and Radioactive Materials - Henderson asked Musson for an opinion on this and Musson indicated this is not bulk storage based on State rules and based on research by the Codes Office. **Motion - The Board finds that the installation and use of (two) 500 gallon fuel tanks does not constitute "material stored in bulk" for the purposes of section 15.17 and therefore the application meets the requirements of section 15.17 (Motion by Henderson and seconded by Carrier - carried 5 -0).**

15.18 Solid, Special and Hazardous Waste Disposal Henderson indicated waste disposal is not related to this proposal. **Motion - The Board finds that Section 15.18 is not applicable to this proposal because the disposal of waste will not change as a result (Motion by Henderson and seconded by Carrier- carried 5-0)**

15.19 Historic and Archaeological Resources - **Motion - The Board finds that the application meets the requirements of section 15.19 since the applicants will not be disturbing any archaeological sites.**

15.20 Flood Plain Management **Motion - The Board finds that the application meets the requirements of section 15.20 because there are no elevation requirements and the tanks will be anchored by a concrete pad provided the Codes Office determines that it meets the standards of the Flood Plain Ordinance (Motion by Henderson and seconded by Carrier - carried 5 -0).**

15.21 Technical and Financial Capacity - **Motion - The Board finds that the application meets the requirements of section 15.21 based on the testimony of the applicant and the history of applicant conducting business at this site (Motion by Henderson and seconded by Nannen - carried 5 -0).**

Motion - Given the review that the Board has made, the application for the addition of the fuel tanks is approved (Motion by Henderson and seconded by Carrier – carried 5-0)

03-04-04 Stone Soup Institute (Eric Johnson and Rolf Hamacher -owners) Coleman Pulsifer Applicant, Site Plan Review Pre-application Conference, Interior, Tax Map11-39, Allen Point Road, Harpswell.

Musson explained that this is a preliminary informal conference where the Board clarifies issues with an applicant but no decisions are made. Alexander indicated he would like to participate in the discussion but would not vote as his son is involved in this project.

Applicant Presentation -

Coleman Pulsifer noted he is on the Board of Directors of Stone Soup Institute, a non profit corporation. He explained a plan to build and operate a non accredited school for 12 boarding students and to teach skills related to operation of a community based farm and that some of the activities would involve work with draft horses, clearing wood lots, maple sugaring, maintenance of farm equipment, soil preparation and planting, woodworking and weaving and spinning taught by local artisans, possible boat building and other low impact harvesting. The school would be located on 3 and one half acres property proximate to Allen Point Road and would operate 11 months of the year.

Pulsifer indicated they hope to leave the land as much as possible, as it is, and have a project that is gentle on the land. The plan is to cluster the development to maintain vegetation. They would need to set up a parking area as they would like to offer (small 12 to 15 person) workshops as well as having the 12 year round students. Pulsifer indicated they have preliminary work for a septic for an 8 to 9 bedroom building prepared by the Mr. Newberg, Soils Engineer.

Board Questions and Discussion -

Sam Alexander clarified with Pulsifer that the school would be making agreements with other land owners of field and wood lots in the area and would not clear cut this lot. Pulsifer and Jim Cornish explained a plan for lease agreements with neighbors and others for student activities on others land.

Henderson advised the applicants that they had heard many of the local requirements as they sat through previous hearings and Pulsifer noted he had been given the regulations by Musson. He asked if any Board member saw a problem that they please call him so they would not waste time going in a wrong direction. Henderson noted they would need to clarify some on their financial capacity. Alexander raised the issue of need to set back from any Wetlands. Papacosma asked if there had been a marketing survey to determine demand for this school and Pulsifer explained it would be an international school and that there is interest in northern Europe.

Rolf Hamacher property owner explained he sees the school as a way to reinforce old ties between Europe and the U.S. and there is ecological thought behind this concept.

Pulsifer noted the classroom building would be built first with the driveway and parking. He explained the residential building would come second and that initially students would live elsewhere in the Town.

Henderson spoke about the possible need to prepare the site and financing plan in stages. Nannen raised the issue of possible future expansion on the site and Cornish indicated it would be difficult on the small lot. Henderson raised the possibility of utilities being underground and the respondents indicated that might be a cost issue. Pulsifer indicated that a topographical survey might be cumbersome for such a small area. Musson spoke of any subdivision of the land requiring surveys and a separate approval process. Nannen asked if any animals would be on the property and Pulsifer indicated there would be some but not on a huge scale and most would be off site. The Board discussed that this would need to be addressed carefully. Pulsifer and Hamacher thanked the Board for their input.

Other Board Business -

Musson checked with the Board regarding the scheduling of the next site visit and it was confirmed for Tuesday May 20th at 5:00 P.M. to accommodate all Board members.

Musson noted he could cluster all the non applicable items in his memos

Adjournment - Motion - The meeting was adjourned at 10:15 P.M. (Motion by Rogers and seconded by Carrier-carried 5-0).

Respectfully submitted,

Karen O'Connell, Recording Secretary